

Remarks

I. Status of the Claims

Claims 1, 7, 21, and 22 are revised. Claim 1 now includes the subject matter of original claims 2-6. Non limiting support for this revision can be found in the specification at page 2, line 35, to page 3, line 32. Claims 7, 21, and 22 are revised to conform with claim 1. Claims 2-6 are cancelled, with claims 11, 28, 47 and 61-64 standing withdrawn.

II. Objection to the Abstract

The Examiner has objected to the Abstract due the use of "legal phraseology." An amendment is provided that is believed to address the examiner's concerns. Reconsideration and withdrawal of the objection is therefore respectfully requested.

III. Restriction

The Examiner has maintained the restriction/election of species of claim 61 on the grounds that applicant's admissions regarding one- and two-headed corona systems are not commensurate in scope with the elements of claim 61. Applicants traverse, but further submit that the entire subject of claim 61 is not patentably distinct over claim 57. This admission should permit inclusion of claim 61 within the presently examined claim set. Reconsideration and withdrawal of the restriction/election of species as it applies to claim 61.

In addition, the Examiner has not addressed the substance of Applicant's argument with respect to rejoinder of Group II, namely, that the Examiner failed to prove that the device as claimed could be used in another materially different process. Applicant's claimed system is limited to a lens carried by a lens holder and not a semi-conductor wafer carried by a semi-conductor wafer holder. Indeed, the device of claim 62 comprises parts especially dedicated to the handling of lenses, which implies corresponding structural limitations. These implicit structural limitations are such that the device of claim 62 is completely unable to be used to coat

semiconductor wafers, *i.e.*, Applicant's claimed holder is suitable to hold an ophthalmic lens (which tend to be millimeter-thick articles) and not a semi-conductor wafer (which tend to be micrometer-thick articles). A same device could not be industrially used to equally coat lenses and semi-conductor wafers. Lenses and semi-conductor wafers are objects having so different sizes and mechanical properties (rigidity, resistance, *etc.*) that those skilled in the art would easily recognize that two different devices are needed. Thus, it remains Applicant's position that a semiconductor wafer is not a valid example of a substrate that can be coated using the device of claim 62 using a materially different process, and therefore that the "difference" requirement according to MPEP§ 806.05(e) is not satisfied.

Rather, the Examiner only argues an undue burden in searching and prosecuting inventions of Groups I and II together. However, even if such a burden exists, it is not a sufficient ground to maintain the objection of lack of unity of invention, see MPEP §806.5(e) which states: "*if applicant proves or provides convincing argument that there is no material difference or that a process cannot be performed by hand (if examiner so argued), the burden is on the examiner to document another materially different process or apparatus or withdraw the requirement.*" Applicant requests that the examiner take a position on this point so that a complete dialogue can be made of record.

Applicant again requests reconsideration of the restriction of Groups I and II for at least the above reasons.

IV. Rejection Under 35 U.S.C. §103

Claims 1 and 7-10, 12-27, 29-46, and 48-60 are rejected under 35 U.S.C. §103(a) over Nakazima *et al.* in view of Bracher *et al.* and "admitted prior art." While correctly noting that Nakazima *et al.* fails to disclose "subjecting the at least one main face to a corona discharge or atmospheric plasma treatment; wherein during the whole process the optical lens is carried by the

same lens holder so that both main faces of the optical lens are freely accessible and without necessitating manual handling of the lens,” the Examiner nonetheless considers it obvious to introduce in the process of Nakazima *et al.* a corona discharge or atmospheric plasma treatment since such a treatment is a classical treatment, and that such would constitute “admitted prior art” when used in a continuous treatment process. Applicant disagrees.

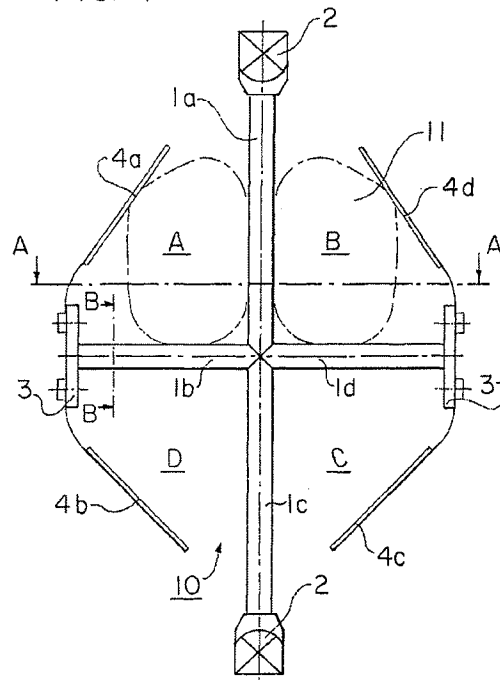
First, it is pointed out that Nakazima *et al.* fails to disclose a lens holder having the specific features as defined in the amended claim 1. Applicant requests that the Examiner point to teachings in the prior art for each element of the claimed invention. In the absence of such, the rejection is improper on its face and should be withdrawn. *See* MPEP § 2142 [II] (Office Personnel As Factfinders) (“When making an obviousness rejection, Office personnel must therefore ensure that the written record includes findings of fact concerning the state of the art and the teachings of the references applied...Factual findings made by Office personnel are the necessary underpinnings to establish obviousness.”).

Second, even if the corona discharge or atmospheric treatment processes were known *per se*, their incorporation in a continuous process, which does not necessitate any manual handling, cannot be part of any alleged “admitted prior art.” Indeed, quite to the contrary, the present specification states: “Typically, for the corona discharge treatment and atmospheric plasma treatment, the lens is just placed flat on a belt or a similar device with the surface to be treated freely accessible for the intended treatment.... Thus, the operator must manually turn the lens if both faces have to be treated by corona discharge or atmospheric plasma and manually placed the lens in a lens holder after the corona discharge or atmospheric plasma treatment for the subsequent coating deposition steps, for example a dip coating and a curing step.” Specification at page 2, lines 19-32.

Therefore, assuming this to be the “admitted prior art” to which the examiner refers, it at most suggests to the skilled person a discontinuous step for the corona discharge or atmospheric plasma treatment in which the lenses are manually placed on a holder and manually handled for initiating further processing steps. That is, the combination of Nakazima *et al.* and the “admitted prior art” fails disclose or suggest every element of the claimed invention. Further, none of the additional cited art discloses a corona discharge or an atmospheric plasma treatment integrated in a continuous process as claimed.

As with Nakazima *et al.*, the lens holder disclosed in Bracher *et al.* does not disclose or suggest the specific features of the lens holder as presently claimed. Assuming that branch 1b of the lens holder of Bracher *et al.* corresponds to the lens holder support of the invention, and that branches 1a and 4a of the lens holder of Bracher *et al.* correspond to the first and second arms of the lens holder of the invention, the “second end portion” of branches 1a and 4a are not “facing each other.” Figure 1 of Bracher *et al.* is provided below to illustrate this point:

FIG. 1



Furthermore, in Bracher *et al.*, the “second end portion” consists in a V-shaped groove and the lens periphery necessarily comprises a complementary V-shaped ridge, which is precisely accommodated within the V-shaped groove of the lens holder (column 3, lines 8-11; column 3, lines 41-46; Figures 1 and 4). Consequently, Bracher *et al.* does not disclose or suggest that the lens is only maintained through one or two contact points between the lens periphery and each of the second end portions. Contacts between the V-shaped groove of branches 1a and 4a and V-shaped ridge on the periphery of the lens of Bracher *et al.* are obviously not punctual contacts.

Again, Applicant requests that the Examiner point to teachings in the prior art for each element of the lens holder as presently claimed. In the absence of such, the rejection is improper on its face and should be withdrawn.

Additionally, Bracher *et al.* imperatively requires a specific structure of the lens periphery, namely the presence of a V-shaped ridge complementary to the V-shaped groove (for free access to the main surfaces of the lens). On the contrary the lens holder of the invention allows holding lenses whose periphery may be of any shape, in particular, a lens periphery with a groove formed therein for mounting of the lens in a so-called “wire-mounting frame,” which is not possible with the lens holder of Bracher *et al.*

The other documents are merely cited to address additional limitation in dependent claims. As such, these dependent claims are patentable if claim 1 is found non-obvious over the prior art given that the other documents fails to correct the defects outlined above. For example, Dettling *et al.* discloses a holder for a coating process of specific parts of articles, which are heated before, during or after the coating, but these articles have nothing to do with ophthalmic lenses. A feature of the holder is that the holding portion be a “cold” portion, *i.e.*, a portion which is maintained below the sintering or melting temperature of the coating material and may

be made of metal such as steel, aluminium, brass etc. ... (column 4, lines 31-43). Dettling *et al.* does not make any link between the holder material and a corona discharge treatment.

Similarly, Mostorocco discloses a lens holder in which the maintaining arms 20 and 22 are discontinuously and sequentially moved on rails 26 and 28. Moffatt discloses a heat sink for the lithography of semiconductor wafers, which bear a layer that is sufficiently flexible to allow the wafer to deform during the lithographic process. There is absolutely no relationship with a lens-holder for a continuous processing including a corona discharge or atmospheric plasma treatment.

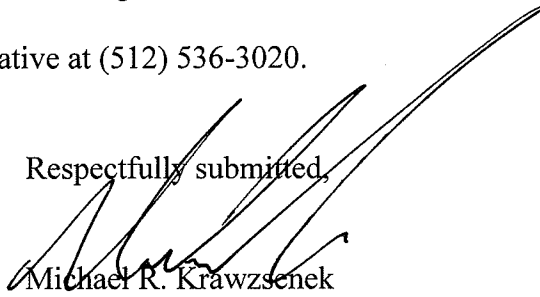
Jung concerns a device for cathodic spraying and has no relationship with the present invention. Suzuki discloses the use of two heads for corona discharge but is not related at all with a continuous treatment process of an ophthalmic lens. Yuasa merely teaches a glow-discharge plasma treatment in which pair of opposing electrodes are designed to avoid arc discharge. None of these teachings can supplement that which Nakazima *et al.* or Bracher *et al.* lacks.

In sum, the rejection fails for at least two reasons. First, even taking the cited art together, the references fail to teach each element of a lens holder as set forth in amended claim 1. Second, they also lacks any teaching or suggestion of using a corona discharge or an atmospheric plasma treatment integrated in a continuous process as claimed, and there are no "admissions" to suggest otherwise. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

V. Conclusion

In light of the foregoing, Applicant respectfully submits that all claims are in condition for allowance, and an early notification to that effect is earnestly solicited. Should the Examiner have any questions, comments, or suggestions relating to this case, the Examiner is invited to contact the undersigned Applicants' representative at (512) 536-3020.

Respectfully submitted,


Michael R. Krawzsenek
Reg. No. 51,898
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
512.536.3020 (voice)
512.536.4598 (fax)

Date: June 26, 2009